

REMARKS / DISCUSSION OF ISSUES

Claims 9 and 11-23 are pending in the application; claims 12-23 are newly added.

The final Office action of 7 March 2006 rejects claims 9 and 11 under 35 U.S.C. 102(b) over Payton. The applicants respectfully traverse this rejection in view of amended claim 9.

Claim 9, upon which claim 11 depends, claims a data-class recommender that includes a user profile that includes a specialized description defining only target data selections that are favored by the user, and a generalized description defining only data selections that have not been disfavored by the user, wherein the recommendations are derived from a space of data selections lying between the generalized and specialized descriptions.

Payton does not teach a user profile that includes a specialized description defining only target data selections that are favored by the user, and a generalized description defining only data selections that have not been disfavored by the user, and does not teach using these spaces to derive recommendations.

In the referenced Office action, the Examiner asserts that the user's profile includes a narrow set of selections with higher ratings, and a broad set of selections with lower ratings. In the reference Appeal Brief, the Board asserts that the user's profile includes a narrow set of selection encompassing the selections that have been rated by the user, and a broad set of selections encompassing the empty space in the user profile that will be rated by others. Neither of these interpretations encompasses a generalized description that only contains selections that have not been disfavored by the user; and neither of these interpretations encompass deriving recommendations from a space between such a generalized description and a specialized description of only the selections that are favored by the user.

Because Payton does not teach a user profile that includes a specialized description defining only target data selections that are favored by the user, and a

generalized description defining only data selections that have not been disfavored by the user, and does not teach using these spaces to derive recommendations, as specifically claimed in claim 9, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 9 and 11 under 35 U.S.C. 102(b) over Payton.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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